

REMARKS/ARGUMENTS

Claim 1 is amended. Claims 1-16 are pending in the application. Examination and reconsideration of the application are respectfully requested.

CLAIM REJECTION UNDER 35 U.S.C. § 103:

Claims 1-16 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Uchida (U.S. Patent 6,745,049) in view of Tsien (U.S. Publication 2003/0,166,394). Claim 1 is amended. Applicant respectfully submits the claims of present application as amended patently distinguish over the cited art.

Claim 1 states:

A wireless communication system configured from a wireless base station and a wireless communication terminal,
the wireless base station comprises:
a notify section that notifies the wireless communication terminal of an initial uplink transmission resources information;
wherein the information includes an uplink transmission resources, and
the wireless communication terminal comprises:
an obtain section that obtains the information including the uplink transmission resources from the wireless base station; and
a transmission section that transmits data corresponding to the obtained uplink transmission resources.

First, Applicant notes that there is an apparent contradiction in the Office's position. The Action at page 4, paragraph 4 states, "Uchida was cited for the limitations of 'obtain section' and 'transmission section.'" However, the Action at page 5 (paragraph starting with "a notify section that notifies ...") states, "Uchida disclose[s] everything claimed ..., except for explicitly reciting an obtain section that obtains the initial uplink transmission resources information from the wireless base station."

Given the conflicting assertions, applicant respectfully submits that the Office has not met the burden to the establish prima facie case of obviousness.

Moreover, the cited art, even combined, does not render amended claim 1 unpatentable because the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would not have been obvious at the time the invention was made to a person having ordinary skill in the art.

For example, the cited art does not teach or suggest, at least, the limitations "a notify section that notifies the wireless communication terminal of an initial uplink transmission resources information; wherein the information includes an uplink transmission resources" and "the wireless communication terminal comprises: an obtain section that obtains the information including the uplink transmission resources from the wireless base station" of claim 1.

Uchida is directed a communication system in which the transmission rate between the mobile station 16 and the database 11 is changed by the mobile switching center 27 (MSC)(Abstract). Tsien is generally directed at a method for monitoring a variable-rate data communication channel to determine its signal-to-noise ratio, and adjusting the data transmission rate of the variable rate data communication channel based on its signal-to-noise ratio (Abstract). Tsien is cited as disclosing an obtaining section. Uchida and Tsien do not teach or suggest at least "a notify section" and "an obtain section" for information including "an uplink transmission resources."

For the above reasons, the Uchida and Tsien do not teach or suggest each and every limitations of claim 1.

Claims 6, 11, and 12 recite analogous limitations discussed above with claim 1 not taught or suggested by the cited art. For example, the claims requires

notifying and obtaining "an uplink transmission resources information" not taught or suggested by the cited art.

For the above reasons, the 103(a) rejections of claims 1, 6, 11, and 12 should be withdrawn. Such withdrawal of allowance of claims 1, 6, 11, and 12 are respectfully requested.

Claims 2, 7 and 13 and claims depending therefrom

Claim 2 recites:

A wireless communication system configured from a wireless base station and a wireless communication terminal, wherein a wireless communication line is set between the wireless base station and the wireless communication terminal,

the wireless communication terminal comprises:

a terminal transmission rate notify section that notifies the wireless base station of a transmission rate required by the wireless communication terminal on the wireless communication line from the wireless communication terminal to the wireless base station; and

a transmission rate determination section that determines a transmission rate on the wireless communication line from the wireless communication terminal to the wireless base station, and

the wireless base station comprises:

a determination section that determines whether or not the transmission rate notified from the wireless communication terminal enables to be supported; and

a determination result notify section that notifies the wireless communication terminal of a determination result of the determination section,

wherein the transmission rate determination section determines the initial transmission rate on the wireless communication line from the wireless communication terminal to the wireless base station based on the determination result notified from the wireless base station,

wherein the terminal transmission rate notify section notifies the wireless base station of the transmission rate when the wireless base station and the wireless communication terminal exchange their mutual state information.

The cited art does not teach or suggest, at least, the limitation "the wireless communication terminal comprises: ... wherein the transmission rate determination section determines an initial transmission rate on the wireless communication line from the wireless communication terminal to the wireless base station based on the determination result notified from the wireless base station."

The Action argues that Uchida teaches a mobile station (MS) requesting a transmission rate change, and that disclosure corresponds to the "transmission rate determination section" of claim 2. Applicant disagrees. While the MS of Uchida requests transmission rate changes, **it is the Mobile Switch Center (MSC) of Uchida that determines the transmission rate on the wireless communication line.**

For instance, Uchida at col. 11, line 61 – col. 12, line 30 states:

For this reason, in Embodiment 1, when a request for changing the transmission rate is made by the mobile station 16 or the database 11 after the transmission rate of communication data has been set once, **the mobile switching center 27 takes into consideration the transmission rate to be handled by the mobile station 16 and the state of currently free data communication channels to change the transmission rate of the up-link and the transmission rate of the down-link individually and independently.** J3 to J8 show the states in which the transmission rate of the up-link and the transmission rate of the down-link are changed in response to the request made by the mobile station 16 or the database 11....

As described above, the mobile communication system is formed such that **the mobile switching center 27 changes the transmission rate of communication data transmitted from the mobile station 16 and so on to the database 11 or communication data transmitted from the database 11 to the mobile station 16 and so**

on individually and independently in accordance with a request of the mobile station 16 and so on or the database 11. (Emphasis added.)

As shown above, the MSC 27 determines the transmission rate on the wireless communication line from the wireless communication terminal to the wireless base station, and not the mobile station 16 as argued by the Action.

The combination of Uchida and Tsien likewise does not teach or suggest the limitations of claim 2 discussed above. As discussed above, the action cites Tsien for disclosing "an obtain section that obtains the initial uplink transmission resources information from the wireless base station." Tsien does not teach or suggest the limitations of claim 2 discussed above missing in Uchida.

For the above reasons, claim 2 is allowable over the cited art.

Claim 7 recites analogous limitations as claim 2 discussed above. For instance, claim 7 includes the limitation "a transmission rate determination section that determines a transmission rate on the wireless communication line from the wireless communication terminal to the wireless base station based on a determination result as to whether or not the wireless base station enables to support the transmission rate notified from the wireless communication terminal." Thus, claim 7 is allowable over the cited art for at least the same reasons as claim 2.

Claim 13 recites an analogous limitations as claim 2 discussed above. For instance, claim 13 includes the limitation "the wireless communication terminal determines a transmission rate on the wireless communication line from the wireless communication terminal to the wireless base station based on the determination result notified from the wireless base station." Thus, claim 13 is allowable over the cited art for at least the same reasons as claim 2. Claims 7 and 13 recite analogous limitations discussed above with claim 1 not taught or suggested by the cited art. For example, claim 7 includes the limitation "the terminal transmission rate notify section notifies the wireless base station of the transmission rate when the wireless base station and the wireless communication

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terminal exchange their mutual state information.” Claim 13 includes the limitation “the wireless communication terminal notifies the wireless base station of the transmission rate when the wireless base station and the wireless communication terminal exchange their mutual state information.”

For the above reasons, the 103(a) rejections of claims 2, 7, and 13 should be withdrawn. Such withdrawal of allowance of claims 1, 2, and 13 are respectfully requested. Claims 3-5 depend from claim 2 and are therefore, allowable for at least the same reasons as claim 2. Claims 14-16 depend from claim 13 and are therefore allowable for at least the same reasons as claim 13. Allowance of claims 3-5 and 14-16 is respectfully requested.

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CONCLUSION

In view of the foregoing, it is respectfully submitted that the application is in condition for allowance. Reexamination and reconsideration of the application, as amended, are requested.

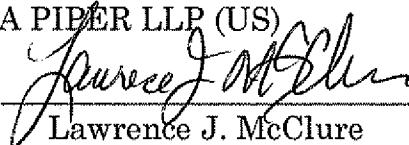
If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is requested to call the undersigned attorney at the Los Angeles, California telephone number (310) 595-3107 to discuss the steps necessary for placing the application in condition for allowance.

If there are any fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 07-1896.

Respectfully submitted,

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